App F IX 4

1941

Previous References
NL 207-27 (1-2)

(Jul)

File No 56-Let
Serial Nos 1852

Later References
NL 42-43/120/14
" 138-46 (5, 6)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos Two

Part B for Aug 1941

SUBJECT

~~Exercising~~ the Power of Voting by the Interim Presidents at the election of the Non-official Presidents for the Chitaldrug Town Municipal Council

To

The D.C. Chitaldrug

NO L 1835/and 56-Let-2 dt 27 7 1941

Forwarding orders re ~~Declined~~ the Power of Voting ——

Copies to the DCs of all Dists

6/8/41 -

Serial No

Letter no A6.C. 2831/40-41 dated 11-12-41 from the Deputy Commr, Chitaldrug Dist-, requesting for instructions as to whether the present presidents of the Davangere and Chitaldrug municipal Councils may preside and vote at the election of the non-official presidents of the said municipal Councils

1) The Davangere and Chitaldrug Town municipal Councils have the privilege of electing their own presidents

2) Under Section 24 (1) of the Mysore Town Municipalities Act-, 1933, the President of the municipal council has to preside to conduct the business of the council It is clear from the context of the Section that it relates to the duties of a permanent president (whether official or non official) At present, in these cases, the Amildar in the case of Davangere and the D C in the case of Chitaldrug are the presidents of the respective municipals, till the regular or permanent presidents are elected That is, they are the interim presidents

NOTE—Contn Sheet

or it- is a working arrangement- till the regular machinery comes- into operation

(3) Under G.O. d 23/27 Feb 91 the Presidents can exercise the power of voting if they are members of the municipal council. In the cases in question they are not- members of the council and therefore the presidents cannot- vote, even if they preside

(4) Secondly, in- the election of the president- of a Town and if the Councillors may elect their own president- for the purpose, provided he is not- a candidate himself It would perhaps be better also if these municipal councils are allowed to elect- their own Presidents for the occasions, under rule 4 of the election rules relating to the election of presidents of Town and Municipal Councils Further, under Section 24 (1) (a), the President- shall preside, unless prevented by reasonable cause, and therefore it- is not- obligatory for the president- to preside under all circumstances In these circumstances the councils may be asked to elect- their presidents for conducting the elections of

Serial No

presidents If for any reason these interim presidents have to Preside at the elections, they cannot vote for the reason stated above

5) Submitted for orders

Law Secy may be consulted for

1/7/41 6 The whole question turns upon the point whether the DC and the Amildar are councillors of the Municipalities concerned As they are not and are merely performing the duties of the Presidents, it follows ipso facto that they cannot vote at the elections

7) If so ordered, if the Law Secy may be consulted There is no time to be lost, the date fixed for the election of the President is 28th July 1941

Law Secy) WH/ 13-7

WO/ 15/7

8) Section 23, clause (6) of the Mysore Town Municipalities Act, 1933, clearly lays down that notwithstanding anything contained in this Act or notifications and rules issued thereunder, the Deputy Commissioner or the Amildar shall perform the functions of the President during the vacancy in the office of the President and when there is no Vice-President Such being the case, it is these interim Presidents who have to preside on such an occasion They do not become councillors by virtue of their

NOTE—Contn Sheet

Question raised by the D.C Chitaldrug as to whether he can vote at the election of the 284 Municipal Council Chitaldrug Town

ML File No of 1940 GL/ General and Revenue Secretariat

	Serial No
office Under section 9 of the Act, the Municipal Council shall consist of--	
(a) elected councillors,	
(b) nominated councillors, if any, that is to say, such persons as from time to time--	
(i) are by name appointed in this behalf, or	
(ii) are executing the functions of any office from time to time notified in this behalf, by the Government	
The interim Presidents, i e , the Deputy Commissioner or the Amildar, who perform the functions of the office of the President under sec 23 (6) cannot be classed as <u>councillors</u> <u>under sec 9</u> Hence they have no power to vote	
9) Moreover proviso (b) to Rule 5 of the rules relating to the election of Presidents of Towns and Minor Municipal Councils, lays down that "in case of an equal number of votes being cast in favour of two candidates, a selection of one of them shall be made by lot immediately" This shows that the President has no casting vote at all and much less the power to vote	1
10) The Deputy Commissioner, Chitaldrug, may be informed accordingly	
MINISTER FOR L S G)	

Hm 16/7/41 HM

OFFICE OF THE MINISTER FOR L S G & P H Date 18/7/41 No 327

11) What is the rule obtaining in regard to the election of presidents in the Boards? Please bring up HM 18.7.41

Explained in person HM 18/7/41

12) As approved HM 21.7.41

Hm 21/7/41 HM

284

Serial No

13 Submitted with a draft letter to the D C. Chitaldrug Dist-

time 21/7/41

Law Secy) HW 21-7

for

14 Sir

Hon 21/7/41

HW

To

The D C. Chitaldrug Dist-

2 No-L 4-35-d 21-7-41, issues certain instructions

15

As the orders conveyed in the above letter are of general applicability, it is necessary to communicate the same to the Dcs of other Distts also for guidance and to avoid references from them on the subject.

If approved, action will be taken as above

Law Secy) HW 23-7

Sir 28/7/41

17 May be done

(Minister for L S G)

Hon 24/7/41 HW

18 SLG

23 7 41 HW

Hon

L KPS-HT

TYPING SEC 21 JULY 1941 GEN & REV

SECY LAW DEPT 24 JULY 1941 GOVT OF MYSORE

NOEL—Contin Slip OFFICE OF THE MINISTER FOR L S G & P H Date 24-7-41 No 494

File No | of 194 | General and Revenue Secretariat

Serial No

19) Copies of the letter addressed to the D C Chittagong by us will be sent to the Secs of Govts for information and guidance. Submit with a draft for approval

28/7/41

for

Issue

Hy 26-7

6 JULY 1941

20

The Secs of the Govts
no Z 7 38-46 dt 29.7.41
for a copy of the above for
information & guidance.

By
for Secretary

R P. MALLAPPA Esq B A LLB
Deputy Commissioner

D O No A6.C.2831/40-41

2849

OFFICE OF THE DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT

Dated Chitaldrug, 11th July 1941

GEN & REV SECRETARIAT
L & S BRANCH

Ml 56-41-1

SEC LAW DEPT
12 JULY 1941
GOVT OF MYSORE

GEN & REV SECRETARIAT
L & S BRANCH

Dear Sir,

I write to state that after the reconstitution of the Chitaldrug and Davangere Town Municipal Councils with effect from 1st July 1941 the Elected non-official Presidents of these Municipalities who held the Office of the Presidents ceased to be as such from 1st July 1941

I am to add in this connection that under Section 23(6) of the Town Municipalities Act, the Deputy Commissioner in respect of the Chitaldrug (Head-quarter Municipality) and the Amildar of Davangere Taluk in respect of Davangere Municipality have been performing the functions of the President with effect from 1st July 1941, pending the Election of non-official Presidents to the said Municipal Councils

Under rule 1 sub-clause (ii) of the Rules regulating the Election of Presidents of Town Municipal Councils, the date of the Election meeting should be not later than one month from thedate of the reconstitution of the Municipal Council

The date of holding the Election of the non-official President to the Chitaldrug Town Municipality has been fixed for the 23rd July 1941 I write to state in this connection that rule 4 of the said Election Rules issued by Govemment in their Notification No L 3055-Ml 207-27-1 dated 26th November 1927, states that the Councillors present on the day of Election shall for the purpose of presiding at the meeting, select one from among themselves who is not a candidate

Section 24(1)(a) of the Town Municipal Act governing the functions of Presidents of Town Municipalities, --

states that it shall be the duty of the President of a Municipal Council to preside, unless prevented by reasonable cause, at all meetings of the Municipal Council, subject to the provisions of the Rules in force under Clause (a) of Section 46 of the said Town Municipal Act to regulate the conduct of - business at meetings

In the circumstances explained above I request the favour of your early instructions as to who should preside at the Meeting of the Election of the Non-Official Presidents to be elected for the Chitaldrug and Davangere Town Municipalities

If it is agreed that the Deputy Commissioner, in respect of the Chitaldrug Town Municipality and the Amildar, Davangere ~~x~~ Taluk, regarding Davangere Municipality have to preside for conducting the elections, in the respective municipalities, it is for orders, if the said Officers who are now performing the functions of the President, may exercise their vote in accordance with G.O No L 6869-79 Ml 163-38-2 dated 25/27th February 1939

As the election of the President is to be held on the 23rd instant (for the Chitaldrug Town Municipal Council) I request the favour of your early instructions in the matter

Yours Sincerely,

H.V Narayana Rao, Esq, B A, LL B.,
Secretary to Government,
Law Department,
Bangalore.

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 21st July 1941

Signed by Mr. A. Arunachalam

List of enclosures

Copied by

Examined by

Immediate

5 copies

Section Jrl

File No 56-41

Serial No 2

No 1435

To The D C Trichinopoly Divn.

Sir,

With reference to your letter no A6 C 2831/40.41 dated 11-7-41 soliciting instructions as to whether the interim presidents of the Darangers and Trichinopoly municipal councils may preside and vote at the election of the non-official presidents of the respective municipal councils, I am directed to state that-

Tam

WD 086—GPB—40 000—30 7 40

the said presidents ~~may~~ shall
preside at the elections of the
non-official Presidents, but
they cannot vote at the elections in question,
as they are not members
of the municipal councils ~~concerned~~

I have the

honour to be,
Sir,
Your most obedient
humble servant,

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

Immediate.

No L 435-/AL 56-41-2 *Dated Bangalore,* 21st July 1941

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore,

Law Department.

To

The Deputy Commissioner,

Chitaldrug District.

S i r ,

With reference to your letter No.AG.C.2831/10-41 dated 11th December 1941 soliciting instructions as to whether the interim Presidents of the Davangere and Chitaldrug Town Municipal Councils may presideand vote at the election of the non-official Presidents of the respective municipal councils, I am directed to state that the said Presidents shall preside at the elections of the non-official Presidents, but they cannot vote at the elections in question, as they are not notified as members of these municipal councils.

I have the honour to be,
Sir,
Your most obedient servant,

V. Arunachalam

For Secretary to Government,
Law Department.

m.s.5

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

copies

Immediate.

No L 435 / MR 56-41-2 Dated Bangalore, 21-1-41

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore,

Law Department.

To

The Deputy Commissioner,
Chitaldrug District.

S i r ,

With reference to your letter No.A6.C.2851/40-41 dated 11th December 1941 soliciting instructions as to whether the interim Presidents of the Davangere and Chitaldrug Town Municipal Councils may preside and vote at the election of the non-official Presidents of the respective municipal councils, I am directed to state that the said Presidents shall preside at the elections of the non-official Presidents, but they cannot vote at the elections in question, as they are not notified as members of these municipal councils.

I have the honour to be,
Sir,
Your most obedient servant,

H Hemachalam

for Secretary to Government,
Law Department.

Memo L 738-46 dy 29.1.41

copy of the above is forwarded with compliments to the Dy Comrs of Dists for information and guidance other

By order

for Secy to Govt—
Law Dept—

m.c.5

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

IMMEDIATE.

General and Revenue Secretariat,

Dated Bangalore 21st July 1941.

No L.435/Ml.56-41-2.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Deputy Commissioner,
Chitaldrug District.

Sir,

With reference to your letter No.A6.C.2831/40-41 dated 11th July 1941 soliciting instructions as to whether the interim Presidents of the Davangere and Chitaldrug Town Municipal Councils may preside and vote at the election of the non-official Presidents of the respective municipal councils, I am directed to state that the said Presidents shall preside at the elections of the non-official Presidents, but they cannot vote at the elections in question, as they are not notified as members of these municipal councils.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/ H.V. Narayana Rao,

Secretary to Government,
Law Department.

MFLO NO. Dated, July 1941.

Copy of the above is forwarded, with compliments, to the Deputy Commissioners of Districts for information and guidance.

By Order,

For Secretary to Government,
Law Department.

NG/12.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

IMMEDIATE

General and Revenue Secretariat,

Dated Bangalore, 21st July 1941.

No L 435/Ml 56-41-2

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department

To

The Deputy Commissioner,
Chitaldrug District

Sir,

With reference to your letter No.A6.C.2831/40-41 dated 11th July 1941 soliciting instructions as to whether the irterim Presidents of the Davangere and Chitaldrug Town Municipal Councils may preside and vote at the election of the non-official Presidents of the respective municipal councils, I am directed to state that the said Presidents shall preside at the elections of the non-official Presidents, but they cannot vote at the elections in question, as they are not notified as members of these municipal councils

I have the honour to be,
Sir,
Your most obedient servant,

Sd/ H.V Narayana Rao,

Secretary to Government,
Law Department

MEMO NO Dated, July 1941.

Copy of the above is forwarded, with compliments, to the Deputy Commissioners of [illegible] Districts, for information and guidance.

By Order,

For Secretary to Government,
Law Department

NG/12.